

**REGULAR MEETING
CITY COUNCIL
October 5, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. DUNNE , MR. KROGH, MRS. COLLIER, MR. CAMPANA, MS. MAHAR
DERGURAHIAN, PRESIDENT BAUER

ABSENT:

Ordinance No. 1 **Date** October 5, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

ORD. #1

**ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
BUDGETS TO TRANSFER BALANCES FROM
CERTAIN INACTIVE ACCOUNTS TO FUND CURRENT ACTIVITIES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy Community Development Block Grant Budget is herein amended as set forth in Schedule A:

“PRIOR YEAR CDBG BUDGET AMENDMENT”

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, September 22, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date October 5, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Krogh

ORD. #2

**ORDINANCE AMENDING THE 2006 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
 GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2006 budget is herein amended as set forth in Schedule A entitled:

October 2006 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, September 29, 2006

 David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date October 5, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Collier

ORD. #3

**ORDINANCE AUTHORIZING THE APPROVAL OF A SECTION 108 LOAN TO THE TROY
 LOCAL DEVELOPMENT CORPORATION (TLDC) FOR THE PURCHASE OF THE KING FUELS
 AND PORTEC SITES ALONG THE SOUTH TROY-MENANDS-BRIDGE CORRIDOR AND
 HUDSON WATERFORNT**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy has borrowed 3.0 million dollars from HUD through a Section 108 loans funds and 2.0 million in BEDI grant funds, all through the “Brownfield Economic Development Initiative” (BEDI).

Section 2. The City of Troy passed legislation in 2001 and entered into an agreement with the City of Troy IDA to administer the Section 108 loan program on behalf of the City.

Section 3. The IDA has received a loan application from the Troy Local Development Corporation (TLDC) for the full amount of the 3.0 million loan finds to be borrowed by the TLDC for the purchase of three significant land parcels in the South Troy-Menands Bridge/Hudson River front corridor, those parcels are:

- a. King Fuels: Main Street Parcel – S/B/L Lot #: 111.67-1-3-2
- b. King Fuels: Water Street Parcel – S/B/L Lot #: 111.75-1-1-1
- c. Portec Rail: Burden Ave and Water Street- S/B/L Lot #: 111.76-1-1

Section 4. The City Counsel hereby approves the Section 108 Loan, in the amount of 3.0 million dollars to the Troy LDC and authorizes the City of Troy IDA to execute any and all documentation to close on the purchase and sale of the properties identified herein and to close on the loan, consistent with all HUD regulations and guidelines regarding same.

Section 2. This act will take effect immediately.

Approved as to form, October 3, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** October 5, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath/Krogh

ORD. #4

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF
AGREEMENT BETWEEN THE CITY OF TROY
AND THE UNIFORMED FIRE CHIEF'S ASSOCIATION**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy and the Uniformed Fire Chief's Association have completed their labor negotiations relative to the labor contract attached hereto and made a part hereof.

Section 2. It is the desire of the parties defined hereinabove to enter into said agreement.

Section 3. The City Council hereby authorizes the Mayor to execute the Memorandum of Agreement, as attached hereto and made a part hereof.

Section 4. This act will take effect immediately.

Approved as to form, October 3, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 **Date** October 5, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Campana

RES. # 1

**RESOLUTION AUTHORIZING MAYOR TUTUNJIAN TO
EXECUTE A CONTRACT WITH RENSSELAER COUNTY FOR
SNOW AND ICE CONTROL ON OAKWOOD AVENUE**

**WHEREAS, the City of Troy and Rensselaer County desire to continue the
longstanding relationship for the snow and ice control on Oakwood Avenue, and**

WHEREAS, the terms, rights and responsibilities of the parties are defined in the proposed agreement, attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby authorizes Mayor Tutunjian to execute a contract with Rensselaer County for snow and ice removal on Oakwood Avenue and said contract will be in substantial compliance with the contract attached hereto and made a part hereof.

Approved as to form, September 29, 2006

**_____
David B. Mitchell, Corporation Counsel**

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

**Resolution No. 2 Date October 5, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Ryan**

RES. # 2

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, September 22, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 **Date** October 5, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Dunne

Res. # 3

**RESOLUTION DECLARING OCTOBER 26, 2006 AS
TROY BOYS AND GIRLS CLUB DAY**

WHEREAS, the young People of the City of Troy are tomorrow's leaders, and

WHEREAS, many such young people need professional youth services to help them cope with a wide range of social and financial hardships, and

WHEREAS, the Troy Boys & Girls Club is at the forefront of efforts in substance abuse prevention, delinquency prevention, technology based programming and most importantly, provides a safe and secure environment for the kids, and

WHEREAS, on October 26, 2006 at Loporto's Restaurant, the Troy Boys and Girls Club will kick off their first ever campaign to raise much needed dollars to fund the wonderful programs offered.

NOW THEREFORE BE IT RESOLVED, that the Troy City Council hereby recognizes October 26, 2006 as Troy Boys and Girls Club Day in the City of Troy, and be it further

RESOLVED, that the Clerk transmit a suitably engrossed copy of this Resolution to Nancy Jones, Chairman of the Board of Directors of the Troy Boys & Girls Club.

Approved as to form, September 26, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** October 5, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** McGrath

RES. #4

**RESOLUTION IN SUPPORT OF THE CAPITAL DISTRICT COMMUNITY GARDENS’
 APPLICATION FOR A GRANT UNDER THE DEC
 URBAN AND COMMUNITY FORESTRY PROGRAM**

WHEREAS, the Capital District Community Gardens is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program to be located in the City of Troy, a site located within the territorial jurisdiction of this Council; and

WHEREAS, as a requirement of these programs, said not-for-profit organization must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy does approve and endorse the application of the Capital District Community Gardens for a grant under the Urban and Community Forestry Program for a project known as Street Tree Planting Program and located within this community.

Approved as to form, September 28, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 Date October 5, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Wojcik

RES # 5

RESOLUTION DATED OCTOBER 5, 2006

**SEQRA RESOLUTION OF THE CITY OF TROY, NEW YORK, DETERMINING
 THAT ACTION TO UNDERTAKE THE CONSTRUCTION OF A SLUDGE
 DEWATERING FACILITY CONSTITUTES A TYPE II ACTION UNDER SEQRA**

WHEREAS, the City of Troy (the "Troy") is subject to a Consent Order with the New York State Department of Environmental Conservation to construct a sludge dewatering facility at the City's water treatment plant located at 25 Water Plant Road (the "Project");

BE IT RESOLVED by the City Council of the City of Troy, Rensselaer County, New York (the "City"), as follows:

Section 1. Pursuant to Article 8 of the Environmental Conservation Law, as amended, known as the State Environmental Quality Review Act (the "SEQR Act"), and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the City desires to comply with the SEQR Act and the Regulations with respect to the Project.

Section 2. The Project constitutes a "Type II Action" as defined in Section 617.5(c)(29) of the Regulations, and no further action under the SEQR Act and the Regulations is required.

Section 3. This resolution shall take effect immediately.

Approved as to form, September 29, 2006.

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 6 Date October 5, 2006
 Introduced by Council Member Bauer
 At the request of Administration Seconded by Collier

RES # 6

BOND RESOLUTION #1 OF 2006

**BOND RESOLUTION OF THE CITY OF TROY, NEW YORK, AUTHORIZING
 THE ISSUANCE OF \$4,000,000 SERIAL BONDS TO FINANCE THE COST OF
 THE CONSTRUCTION OF AN ADDITION TO THE CITY WATER SUPPLY
 AND DISTRIBUTION SYSTEM.**

BE IT RESOLVED by the City Council of the City of Troy, New York as follows:

Section 1. The City of Troy, New York (the "City") is hereby authorized to undertake the construction of an addition to the City's water supply and distribution system, including buildings, land or rights in land and original furnishings, equipment machinery or apparatus required, including a sludge dewatering facility at an estimated maximum cost of \$4,000,000.

Section 2. The plan for financing of such estimated maximum cost shall be by the issuance of \$4,000,000 in serial bonds (the "Bonds") of the City, which are hereby authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 1 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or

constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this resolution. This resolution is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this resolution, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The City Comptroller, as Chief Fiscal Officer of the City, is further authorized to sell all or a portion of the Bonds, or bond anticipation notes issued in anticipation of the Bonds, to the New York State Environmental Facilities Corporation ("EFC") in the form prescribed in one or more loan and/or grant agreements (the "Agreements") between the City and the EFC; to execute and deliver on behalf of the City one or more Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Agreements from EFC by executing and delivering one or more Terms Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from the EFC for all or a portion of the costs of the expenditures authorized by this resolution, and perform the City's obligations under its Bonds or bond anticipation notes delivered to the EFC, the Project Financing Agreements and the Agreements.

Section 10. The serial bonds and bond anticipation notes authorized to be issued by this resolution are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other bond resolutions previously adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds, including the dated date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 11. The validity of the Bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of this resolution or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 13. This resolution, or a summary of this resolution, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. This resolution is not subject to a mandatory or permissive referendum.

Section 15. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 16. No Bonds, bond anticipation notes in anticipation thereof, or Agreements shall be executed or delivered until the Supervisory Board created by Chapter 721 of the Laws of 1994, as amended (the "Act") shall first have reviewed and commented on the same in accordance with the requirements of the Act.

Section 17. This resolution shall take effect immediately upon its adoption.

Approved as to form, September 29, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 10-06-06 for Executive Action – Approved, returned 10-11-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 7 Date October 5, 2006
Motion to add by Council Member DerGurahian Seconded by Dunne

RES # 7

RESOLUTION EXTENDING HEALTH CARE COVERAGE

BE IT RESOLVED, that the City Council hereby extends the existing health care coverage agreements to those persons recently notified that their coverage will be or has been terminated by the City of Troy. This extension is granted until December 31, 2006.

Approved as to form, October 5, 2006

David B. Mitchell, Corporation Counsel

Motion to add Resolution FAILED by the following vote:

Ayes: 4

Noes: 5

Abstain: 0

Motion to adjourn by DerGurahian

Meeting adjourned at 8:44pm.